



General Assembly

**Substitute Bill No. 6773**

January Session, 2005

\* \_\_\_\_\_HB06773JUD\_\_\_\_042705\_\_\_\_\_\*

**AN ACT CONCERNING CLEAN AIR STRATEGIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
2       section, "outdoor wood-burning furnace" means an accessory structure  
3       or appliance designed to be located outside living space ordinarily  
4       used for human habitation and designed to transfer or provide heat,  
5       via liquid or other means, through the burning of wood or solid waste,  
6       for heating spaces other than where such structure or appliance is  
7       located, any other structure or appliance on the premises, or for  
8       heating domestic, swimming pool, hot tub or jacuzzi water. "Outdoor  
9       wood-burning furnace" does not include a fire pit, wood-fired  
10      barbecue or chiminea.

11      (b) No person shall, from the effective date of this section to the  
12      effective date of regulations promulgated by the United States  
13      Environmental Protection Agency to regulate outdoor wood-burning  
14      furnaces, construct, install, establish, modify, operate or use an  
15      outdoor wood-burning furnace, unless (1) the outdoor wood-burning  
16      furnace was constructed, installed, established, modified, operated or  
17      in use prior to the effective date of this section, or (2) the outdoor  
18      wood-burning furnace complies with the following:

19      (A) Installation of the outdoor wood-burning furnace is not less  
20      than two hundred feet from the nearest residence not serviced by the

21 outdoor wood-burning furnace;

22 (B) Installation of the chimney of the outdoor wood-burning furnace  
23 is at a height that is more than the height of the roof peaks of the  
24 residences that are located within five hundred feet of the outdoor  
25 wood-burning furnace, which residences are not serviced by the  
26 outdoor wood-burning furnace, provided the chimney height is not  
27 more than fifty-five feet;

28 (C) No other materials are burned in the outdoor wood-burning  
29 furnace other than wood that has not been chemically treated; and

30 (D) Installation and operation of the outdoor wood-burning furnace  
31 is in accordance with the manufacturer's written instructions, provided  
32 such instructions do not conflict with the provisions of this section.

33 (c) The provisions of this section shall be enforced by the  
34 Commissioner of Environmental Protection and may be enforced by  
35 the municipality affected by the operation or potential operation of an  
36 outdoor wood-burning furnace.

37 (d) Any person who operates an outdoor wood-burning furnace in  
38 violation of this section shall be deemed to have committed an  
39 infraction and shall be fined not more than ninety dollars. Each day of  
40 operation of such outdoor wood-burning furnace in violation of this  
41 section shall be a separate violation.

42 Sec. 2. Section 22a-174j of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective October 1, 2005*):

44 Not later than January 1, 1999, the Commissioner of Environmental  
45 Protection shall, by regulations adopted in accordance with chapter 54,  
46 establish uniform emissions performance standards [for electricity  
47 generation facilities supplying power] to regulate emissions to the air  
48 from the generation of electricity supplied to end use customers in this  
49 state. Such performance standards shall, to the greatest extent possible,  
50 be designed to improve air quality in this state and to further the

51 attainment of the National Ambient Air Quality Standards  
 52 promulgated by the United States Environmental Protection Agency.  
 53 Such performance standards shall [be based on the fuel used for  
 54 generation of electricity and shall apply to electric suppliers'  
 55 generation facilities located in North America] apply to emissions  
 56 caused by electricity generation in any location in North America used  
 57 to supply end use customers in this state, shall limit emissions to levels  
 58 consistent with those permitted from technically similar generators  
 59 located in this state and shall limit the amount of air pollutants,  
 60 including, but not limited to, nitrogen oxides, sulfur oxides [,] and  
 61 carbon dioxide [, carbon monoxide and mercury,] emitted per  
 62 megawatt hour of electricity produced. Such performance standards  
 63 may provide for a program for purchase of offsetting reductions in  
 64 emissions and trading of emission credits. [A performance standard  
 65 established by the Department of Environmental Protection for an  
 66 individual pollutant pursuant to this section shall go into effect when  
 67 three of the states participating in the northeastern states' Ozone  
 68 Transport Commission as of July 1, 1997, with a total population of not  
 69 less than twenty-seven million at that time, have adopted such  
 70 standard.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2005</i>	22a-174j

**JUD**      *Joint Favorable Subst.*